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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

W.P. No. 5515 OF 2006

PETITIONER: Arun Kumar, aged about 22 years, S/o Shri Stephan Lakra, R/o Bagicha, Tahsil Bagicha, District Jashpur (C.G.) At present residing at Karbala Road, Juna Bilaspur, District Bilaspur (C.G.).

Versus

RESPONDENTS:

1. Guru Ghasi Das University, Through-Registrar, Bilaspur (C.G.).
2. The Registrar, Guru Ghasi Das University, Bilaspur (C.G.).

W.P. No. 5516 OF 2006

PETITIONER: Akash Swarnakar, aged about 22 years, S/o Shri Ramesh Kumar Swarnakar, R/o Narmada Nagar, Tahsil & District Bilaspur (C.G.).

Versus

RESPONDENTS:

1. Guru Ghasi Das University, Through-Registrar, Bilaspur (C.G.).
2. The Registrar, Guru Ghasi Das University, Bilaspur (C.G.).

W.P. No. 5517 OF 2006

PETITIONER: Sunil Kumar Sen, aged about 23 years, S/o Shri J.L. Sen, R/o Shukla Service Station, Capital Road, Baloda Bazaar, District Raipur (C.G.) at present residing at near

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Jeet Talkies, Bilaspur, Tahsil and District Bilaspur (C.G.).

Versus

RESPONDENTS:

1. Guru Ghasi Das University, Through-Registrar, Bilaspur (C.G.).
2. The Registrar, Guru Ghasi Das University, Bilaspur (C.G.).

W.P. No. 5518 OF 2006

PETITIONER:

Ram Singh Rathore, aged about 26 years, S/o Shri J.P. Rathore, R/o Telipara, Nandu Garage Gali No. 3, Bilaspur, Tahsil & District Bilaspur (C.G.).

Versus

RESPONDENTS:

1. Guru Ghasi Das University, Through-Registrar, Bilaspur (C.G.).
2. The Registrar, Guru Ghasi Das University, Bilaspur (C.G.).

W.P. No. 5519 OF 2006

PETITIONER:

Smt. M. Asha, aged about 35 years, W/o Shri M. Hari Prasad Rao, R/o Amba Apartment, Tikrapara, Shivaji Marg, Bilaspur, Tahsil & District Bilaspur (C.G.).

Versus

RESPONDENTS:

1. Guru Ghasi Das University, Through-Registrar, Bilaspur (C.G.).
2. The Registrar, Guru Ghasi Das University, Bilaspur (C.G.).

Present : Shri Ashok Swarnakar, learned counsel for the petitioners.

ORAL ORDER
(Passed on 8th November, 2006)

The petitioners in all these writ petitions are pursuing three years degree course leading to LL.B. Degree in K. R. Law Collage, Bilaspur (C.G.). During the academic session 2005-06, the petitioners appeared for LL.B. Part-I examination. When the results were declared, it was found that all of them failed in the subject of Constitutional Law. The petitioners applied for revaluation of their answer scripts in Constitutional Law as provided under the regulations framed by Guru Ghasi Das University. Even after the revaluation, they were declared to have failed in the subject of Constitutional Law. Under these circumstances, these writ petitions are filed prayer for quashing of the revaluation results and to direct the respondents-University authorities to again revalue/recheck the answer scripts of the petitioners in paper-IV i.e. Constitutional Law.

(2) Heard learned counsel for the petitioner.

(3) It was contended that it was totally unnatural that even after the revaluation of the answer script of the petitioners in paper-IV i.e. the Constitutional Law, there would not be any variance in the marks secured by the petitioner-students. That was the only contention urged before the Court by learned counsel for the petitioners.

(4) The writ petitions are liable to be dismissed in *limine* inasmuch as the regulations framed by the respondent-university do not provide for revaluation of the revalued answer scripts. It is well settled by the judgment of the Supreme Court in **Maharashtra State Board of**

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Secondary and Higher Secondary Education and another Vs. Paritosh Bhupesh Kurmarsheth etc.[1] and several other judgments to follow, the revaluation of the answer scripts cannot be ordered unless regulations framed by the Universities or the Boards, as the case may be, provide for the same. Since the regulations framed by the respondent/university do not provide for revaluation of the revalued answer scripts, issuing mandamus to the respondents - university authorities to revalue again the answer scripts of the petitioners in the subject of Constitutional Law would not arise. The contention of the counsel for the petitioner that it is highly incredible not to find any variance even after the revaluation of the answer scripts, is required to be noticed only to be rejected. If the first valuation made by the examiner is correct, generally speaking, there will not be any variance even after revaluation. Nothing is laid before the Court to bring home any *mala fide*, factual or legal, against any named examiner of the answer scripts. The Court cannot sit in judgment over the assessment made by the university authorities who are supposed to be the experts in the field. The Courts are very slow in interfering with academic matters. Looking from any angle, no case is made out for the Court to interfere with the assessment made by the university examiners in revaluation of the answer scripts of the petitioners-students in Paper-IV i.e. the Constitutional Law. The writ petitions are devoid of merit and they are accordingly dismissed. No costs.

Sd/-
Chief Justice

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1. AIR 1984 SC 1543